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TUESDAY, DECEMBER 16, 1975

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

UPWARD BOUND PROGRAM

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

TALENT SEARCH PROGRAM

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 155]

UPWARD BOUND

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070d—1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 155 of Title 45 of the Code of Federal Regulations, which governs the administration of the Upward Bound Program, to read as set forth below.

1. *Program purpose.* The Upward Bound Program, authorized by Section 417B of the Higher Education Act, is designed to generate skills and motivation necessary for success in education beyond high school for low-income students with inadequate secondary school preparation. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic communication skills, such as reading, public speaking and writing, mathematics and science, and (2) guidance and counseling with regard to educational and career opportunities. Such projects also provide, during the school year, tutoring and counseling services.

The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 3, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Upward Bound Program. Upon publication of the revised Part 155 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Upward Bound Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulation, (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202

Public hearing will be held on January 12, 1976.

b. Dallas Texas.

Room 1130-1132, 1200 Main Tower Building, Dallas, Texas 75202

Public hearing will be held on January 12, 1976.

c. San Francisco, California.

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, FOB 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received on or before December 29, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.492, Upward Bound)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 155 of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 155—UPWARD BOUND PROGRAM

Sec.
155.1 Scope and purpose-general provisions.
155.2 Definitions.
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155.16 Functional relationship and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers projects.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 258-259 (20 U.S.C. 1070d-1070d-1), unless otherwise noted.

§ 155.1 Scope and purpose—general provisions.

(a) The regulations in this part govern the administration of the Upward Bound Program. This program is designed to generate skills and motivation necessary for success in education beyond high school for enrollees from low-income backgrounds who have inadequate secondary school preparation. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic communication skills, such as reading, public speaking and writing, mathematics and science, and (2) guidance and counseling with regard to educational and career opportunities. Such projects also provide, during the school year, tutoring and counseling services. The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions

contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d–1070d–1)

§ 155.2 Definitions.

For the purpose of this part:

(a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 *et seq.*)

(b) "Academic potential" means a capacity for success in post-secondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators.

(20 U.S.C. 1070d–1)

(c) "Combination of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a project or (2) a public or private agency, organization, or institution designed or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a project on their behalf.

(20 U.S.C. 1141(j))

(d) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraphs (d) (1), (2), (4), and (5) of this section, unless the school is a public institution, in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in paragraph (e) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a), 20 U.S.C. 1088(b)(3))

(e) "Proprietary institution of higher education" means a school which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(f) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(g) "Target school" means a secondary school which has a large number and/or high percentage of students from families whose annual adjusted family income is less than the low-income level prescribed annually by the Commissioner, has a large number and/or high percentage of dropouts and has a low number and/or percentage of students entering postsecondary educational institutions.

(20 U.S.C. 1070d–1070d–1)

(h) "Veteran" means a person who served in the active military, naval or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))

(i) "Youth" means (i) a veteran or (ii) a person between the ages of 15 to 22.

(20 U.S.C. 1070d–1070d–1, unless otherwise noted)

§ 155.3 Project size and selection of students.

(a) Each project funded under this part shall serve between fifty and one hundred fifty participants. Participants may include students enrolled in target schools situated not more than 50 miles from the institution administering the project, and secondary school dropouts and veterans residing within such fifty mile radius. Upward Bound projects serving veterans shall be composed exclusively of veterans.

(b) [Reserved]

(c) The Commissioner may authorize exceptions to any limitations set forth in paragraph (a) of this section if it can be shown that such exceptions will not hinder the effectiveness of the project nor prevent the Upward Bound program from achieving its stated goals and objectives.

(20 U.S.C. 1070d–1)

§ 155.4 Eligible project participants.

A youth is eligible to participate in a project funded under this part if such youth:

(a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner;

(c) Has academic potential but is unlikely to apply for admission to, or be accepted for enrollment in, an institution of postsecondary education because of a lack of preparation, or underachievement, or both, in secondary school; and

(d) Has completed the 10th grade.

(20 U.S.C. 1070d–1)

§ 155.5 Summer residential and academic year components.

(a) Except as provided in paragraph (d) of this section, each project funded under this part shall consist of a summer residential component and an academic year component.

(b) Summer residential components shall be of at least six weeks in duration and shall:

(1) Provide residential facilities, including room and board, on a postsecondary institution's campus;

(2) Provide for participants who have not completed secondary school basic skills development on an intensive basis in those academic subjects required for secondary school graduation and postsecondary school admission;

(3) Provide intensive postsecondary orientation and preparatory instruction for participants who have graduated from secondary school and have been accepted for enrollment at a postsecondary institution;

(4) Provide motivational activities through (i) individualized guidance and counseling, and (ii) such activities as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual and cultural development of such students;

(5) Provide a staff composed of (i) teachers from the target schools the participants are attending, (ii) postsecondary instructors from the host institution

above the graduate assistant level, and (iii) other individuals with areas of specialization that will enhance the learning potential of participants;

(6) Provide tutor-counselors, that is, postsecondary school students with backgrounds similar to those of the participants, who have demonstrated success in postsecondary education and can serve as peer models for participants; and

(7) Provide such other services that have as their purpose the educational preparation of participants for postsecondary admissions, including assisting participants in the preparation of admissions and financial aid forms and ensuring that participants take national standardized tests required for postsecondary admission.

(c) Academic year components shall:

(1) Provide on a weekly basis one or more of the following activities and services to participants: (i) Individualized guidance, counseling and orientation in career opportunities and requirements for postsecondary education including preparation of admission and financial aid applications and preparation for national standardized tests required for postsecondary admission, (ii) academic instruction and tutoring within the context of courses being studied by the student at the secondary school, and (iii) activities such as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual and cultural development of such students;

(2) Provide an on-going evaluation of each participant's progress toward achieving adequate academic skills and motivation necessary for success in postsecondary education, including an assessment of each participant's realistic postsecondary educational opportunities;

(3) Provide such other activities that have as their purpose the educational preparation of participants for postsecondary admissions which have the specific approval of the Commissioner; and

(4) Provide for a staff that is adequate to perform such activities.

(d) A summer *residential* component may not be provided for projects for veterans and need not be provided if residential facilities are not available in the area to be served and the project can provide equivalent services and activities to participants that such students would receive from a summer residential component. Veteran's projects and projects which the Commissioner has determined need not provide residential facilities shall carry out those activities enumerated in subparagraphs (b)(2) through (b)(7) of this section.

(20 U.S.C. 1070d-1)

§ 155.6 Eligible applicants.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education or combinations of such institutions and, in exceptional cases, secondary schools and secondary vocational schools.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established by the combination for that purpose.

(c) A secondary school or secondary vocational school may receive funds under this part in the event no other institution capable of providing such facilities is available in the geographic area to be served by the project and provided that the school has facilities for providing a residential summer component.

(20 U.S.C. 1070d-1)

§ 155.7 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) A documented description of the target schools in terms of the number of students from families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, the number and percentage of their students who subsequently enroll in postsecondary education, the quality of the school's counseling program, the dropout rate for each school, and the number of students from low-income families with inadequate academic preparation but with academic potential for postsecondary education;

(2) The ethnic/racial composition of low-income youths enrolled in the target school and residing in the geographic area to be served;

(3) The number of participants to be selected and the grade levels to be served;

(4) A description of the applicant's plan for (i) the identification and selection of eligible participants from academic and non-academic sources, (ii) the assessment of participants in terms of their academic potential for postsecondary education and their academic and motivational needs at the time of entry into the project, (iii) the provision of career and academic counseling and guidance, (iv) the provision of academic, cultural and recreational services and activities, and (v) the evaluation of each participant's progress toward achieving the academic skills and motivation needed for success in postsecondary education;

(5) A description of the summer residential and academic year components; for applicant not proposing a summer residential component, the reasons for not conducting such a component and an explanation of how equivalent services will be provided;

(6) A description of (i) the project's staffing pattern including the professional requirements for each position and the duties to be performed by each staff member, and (ii) the plan for staff selection and in-service training;

(7) A description of the applicant's plan to (i) orient the target schools and postsecondary schools in the geographic area to be served to the goals of the Upward Bound project and (ii) utilize community and other resources to supplement authorized activities;

(8) A description of the applicant's plan for evaluating the effectiveness of the project;

(9) If the applicant has carried out a project that was not funded under the Upward Bound Program, the applicant shall provide a description of that project, including (i) the number of students served, (ii) the method used to select participants, (iii) the services offered, (iv) the number of such participants attaining a minimum of one year's growth in reading, communication skills, and mathematics, (v) the number of participants who gained admission to postsecondary institutions, and (vi) any evaluation reports made on that project; and

(10) A detailed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for veterans projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, provide a description of the educational services and activities already available for veterans residing in the target area who do not possess a high school equivalency certificate.

(d) Applications for national demonstration projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satisfies the requirements of § 155.11.

(20 U.S.C. 1070d-1)

§ 155.8 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for contribution awards will be approved only if,

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress, and other relevant data;

(3) The project continues to offer promise of success in enabling youths to enter postsecondary education with an adequate academic background;

(4) All required reports, including data collection reports, quarterly fiscal reports, and semi-annual and annual

narrative reports, have been received and accepted by the Commisisoner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded for new awards, including veterans awards, under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The number of persons who would qualify to participate under this part who will be enrolled in the target schools or reside in the area to be served during the project period and who were enrolled in such schools or resided in such area for the three years preceding the year for which the application is submitted:

(2) The extent to which the applicant has successfully carried out a project that is comparable or identical to those authorized under this part;

(3) The extent to which the project will (i) generate academic skills and motivation that will enable the participants to gain admission to postsecondary educational institutions other than the institution administering the project and (ii) assist participants to attain a minimum of one year's growth, as measured by nationally standardized testing instruments stipulated in the application, in those academic subjects such as reading communication skills and writing which are essential for postsecondary education and in which participants are deficient;

(4) The comprehensiveness of the applicant's plan for (i) identifying and selecting eligible participants, (ii) assessing and documenting their educational needs and potential for postsecondary education through the use of nationally standardized tests and such other evaluative methods the applicant may choose to use, (iii) providing career and academic guidance and counseling, (iv) preparing and motivating project participants for admission to postsecondary institutions, and (v) assisting participants in applying for admission to postsecondary institutions which are appropriate for such participants' abilities and ambitions;

(5) The reasonableness of the allocation of resources among project activities;

(6) The extent to which the applicant has provided for the orientation of target school and applicant staff to the goals and objectives of the Upward Bound Program and has provided for the utilization of community and other resources to supplement authorized activities;

(7) The quality of the applicant's plan to evaluate project services in terms of increasing participants' performance levels, motivating participants to enroll in postsecondary educational programs and assisting them to obtain adequate financial aid; and

(8) The extent to which the proposed budget reflects the activities to be undertaken.

(d) Preference will be given to those applicants for new awards that propose to carry out a summer residential component.

(e) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Upward Bound national demonstration projects on the basis of the criteria set forth in paragraph (c) and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope and does not duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of Upward Bound services for eligible participants;

(3) Whether the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1)

§ 155.9 Program requirements.

(a) Each project funded under this part shall:

(1) Develop and utilize objective procedures to identify participants from a variety of sources and select eligible participants on the basis of a comprehensive needs assessment including standardized and other instruments which will diagnose specific areas of academic strengths and weaknesses;

(2) Set specific objectives, stated in quantifiable terms, that each participant shall attain in order to be able to secure admissions on a regular basis at an institution appropriate for the abilities and career ambitions of each student;

(3) Engage a project director with sufficient professional qualifications, administrative skills and a clear commitment to the goals of the program to serve in a full-time capacity for the summer residential component and in a full or part-time capacity for the academic year component;

(4) provide the project director with sufficient authority to conduct the project effectively and expend project funds as required;

(5) design and implement an evaluation mechanism to test the effectiveness of (i) project progress in meeting approved goals and objectives, (ii) project efforts in remedying academic deficiencies diagnosed when students initially entered the project, and (iii) project activities designed to effect other changes in the academic and personal skills or project participants which are necessary for success in postsecondary education;

(6) assure that all the facilities of the host institution, both academic and non-academic, will be made available to all project participants;

(7) utilize institutional and community resources to provide diagnostic health services to identify physical impediments to learning and to remedy those impediments;

(8) implement a plan for following participants through their postsecondary educational program; and

(9) make every effort (i) with regard to successful graduates from the project, to secure admissions, with adequate financial aid, to an institution of postsecondary education which is appropriate to such students' abilities and ambitions, or, (ii) in the event such graduates are unable to secure regular admissions at a postsecondary institution, to secure special review from the adminissions and financial aid personnel of the host institution.

(b) [Reserved]

(20 U.S.C. 1070d-1)

§ 155.10 Veterans projects.

(a) The Commissioner may fund Upward Bound projects for veterans. Such projects shall:

(1) Provide basic skills development on an intensive basis to individual participants in those academic subjects required for the successful completion of a high school equivalency certification program;

(2) Provide supportive activities through (i) individualized guidance and counseling, (ii) liaison with personnel of the Veterans Administration and State veterans agencies with regard to educational benefits for participants, and (iii) assistance in gaining admission to postsecondary educational programs and in obtaining financial aid where necessary; and

(3) Engage (i) a full-time project director with sufficient administrative skills and professional qualifications to conduct a special educational program for veterans who will be provided sufficient latitude to conduct the project effectively and to expand project funds as required, and (ii) a staff, including tutoring personnel, that has adequate professional qualifications to teach equivalency programs and to carry out proposed activities and services.

(b) Veterans projects may not conduct a summer residential component nor may they pay stipends.

(c) Projects funded under this subpart must secure certification for the payment of veterans education benefits by appropriate State and Federal agencies prior to the beginning of educational activities.

(20 U.S.C. 1070d-1)

§ 155.11 National demonstration projects.

(a) The Commissioner may reserve funds to conduct innovative and experimental Upward Bound projects.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs or consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of Upward Bound services and activities for eligible participants;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of services and activities for similar youths;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1)

§ 155.12 Allowable costs—stipends.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project. Such costs may include:

(1) In-service training of project staff;

(2) The rental of space if space is not available at the sponsoring institution and if the space rented is not owned by the sponsoring institution;

(3) Room and board expenses for Upward Bound participants computed on a weekly basis if the expenses are consistent with those rates charged regularly enrolled students at the sponsoring institution during the summer session. In the event the host institution does not have a summer school operating at the same time as the Upward Bound project, room and board fees may be no higher than those fees charged regularly enrolled students during the academic year computed on a weekly basis. Room and board fees may be provided for the residential staff of the project only if the staff members are required to live in the dormitories with students;

(4) Student activity fees;

(5) Admission fees to educational activities, theaters, movies and other cultural events which have as their purpose the intellectual and cultural development of participants; and

(6) Entertainment costs for project sponsored banquets, social activities, and ceremonies during the summer component.

(b) Costs that may not be supported by funds under this part shall include:

(1) The construction, modification, or major repairs of buildings or the purchase of land or buildings;

(2) The duplication of services specifically available to students at the institution or through such local facilities as vocational rehabilitation centers, medical clinics, and social service organizations;

(3) Research;

(4) Tuition costs or instructional costs associated with courses carrying college credit;

(5) Purchase of any equipment unless it is demonstrated that purchase is less expensive than renting;

(6) Meals for staff except as provided in subparagraph (a)(3) of this section; and

(7) Clothing.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(d)(1) Projects shall provide stipends to all participants who are enrolled on a full-time basis in the summer component of an Upward Bound project. Such payments may not exceed a rate of $30 per month except in exceptional cases, as determined by the Commissioner;

(2) Stipends shall be paid to students who are in attendance during the summer component on a full-time basis; and

(3) Stipends may not be paid for the academic year component.

(20 U.S.C. 1070d-1)

§ 155.13 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local laws.

(20 U.S.C. 1070d-1)

§ 155.14 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Procedures used to select individual participants, including records of interviews;

(2) High school transcripts and all available test scores;

(3) Documents pertaining to student eligibility as defined in § 155.4;

(4) Diagnostic analysis of the student's academic strengths and weaknesses at the time of entry into the project, and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as records, family contacts, career explorations, college visits, and referrals;

(6) Sequential activity reports that show continuous contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A medical consent form signed by the student's parent(s) or guardian;

(8) Student health records which show medical or dental diagnostic services provided through the efforts of the project;

(9) Project efforts in assisting students in gaining admission to and financial assistance for attendance at postsecondary institutions;

(10) Project follow-up on students with particular emphasis on postsecondary enrollment and status;

(11) The recommendations made to the student upon the student's completion of the project regarding his educational and career potentials; and

(12) The reasons for a student's leaving the project if he left prior to enrollment in a postsecondary educational institution.

(20 U.S.C. 1070d-1)

§ 155.15 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Field trips for educational purposes which are in reasonable proximity to the project's regular location;

(b) Student travel to and from regularly schedule project activities;

(c) Staff travel to professional and eductaional conferences specifically related to project development and to Office of Education-sponsored meetings when approved in writing by the Commissioner;

(d) Transportation costs for formal visits to the campus of the sponsoring institution for parents, foster parents, or legal guardians of Upward Bound students, and overnight accommodation costs for such persons when necessary because of distance;

(e) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d-1)

§ 155.16 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in 45 CFR 100a.275, if an applicant under this part also requests funds to carry out one or more of the following programs, Talent Search, Special Services for Disadvantaged Students, or Educational Opportunity Centers, the application must reflect the following:

(a) Provision for a single, unified administrative program operation;

(b) Provision for separate program identities, activities and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d-1; 1232c(b)(1))

[FR Doc.75-33700 Filed 12-15-75;8:45 am]

[45 CFR Part 157]

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter I of Title 45 of the Code of Federal Regulations by adding Part 157, which governs the administration of the Special Services for Disadvantaged Students Program, to read as set forth below.

1. *Program purposes.* The Special Services for Disadvantaged Students Program, authorized by section 417B of the Higher Education Act, is designed to assist students who, by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of remedial and other special services to initiate or complete their postsecondary educational program. Discretionary grants are made directly to post-secondary educational institutions to benefit students enrolled or accepted for enrollment at the beneficiary institution.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Educaiton programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Special Services for Disadvantaged Students Program. Upon publication of these proposed regulations in final form, after comments and a hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Special Services for Disadvantaged Students Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulations (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202

Public hearing will be held on January 12, 1976.

b. Dallas, Texas

Room 1130-1132, 1200 Main Tower Building, Dallas, Texas 75202

Public hearing will be held on January 12, 1976.

c. San Francisco, California

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, FOB-6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received on or before December 29, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.482, Special Services for Disadvantaged Students)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare

Chapter I, Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 157, to read as follows:

PART 157—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Sec.
157.1 Scope and purpose—general provisions regulations.
157.2 Definitions.
157.3 Eligible project participants.
157.4 Eligible applicants.
157.5 Applications.
157.6 Funding criteria.
157.7 Program requirements.
157.8 Bilingual educational projects.
157.9 National demonstration projects.
157.10 Allowable costs.
157.11 Salary and wage rates.
157.12 Student records.
157.13 Travel.
159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services and Educational Opportunity Centers.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b) of Title I, Pub. L. 92-318, 86 Stat. 258-259 and 88 Stat. 603-604 (20 U.S.C. 1070d—1070d-1), unless otherwise noted.

§ 157.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Special Services for Disadvantaged Students (Special Services) Program. This program is designed to provide remedial and other special services for students with academic potential who (1) are enrolled or accepted for enrollment at an institution of higher education which is a beneficiary of a grant or contract made under this part and (2) by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume their post-secondary education. The goal of the program and projects under this part shall be to increase the retention and graduation rates of such students.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d-1070d-1)

§ 157.2 Definitions.

For the purpose of this part:

(a) "Academic potential" means a capacity for success in postsecondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators.

(20 U.S.C. 1070d-1)

(b) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(c) "Bilingual educational teaching, guidance, and counseling" means teaching, guidance, and counseling in two languages, one of which is English.

(20 U.S.C. 1070d-1)

(d) "Combinations of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a project or (2) a public or private agency, organization, or institution designed or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a project on their behalf.

(20 U.S.C. 1141(j))

(e) "Deprived cultural background," with regard to a student, means a student's lack of exposure to, or insufficient knowledge of, those values of society which are necessary to succeed in postsecondary education.

(f) "Deprived educational background," with regard to a student, means that a student attended a secondary school which did not adequately prepare him to participate successfully in postsecondary education.

(20 U.S.C. 1070d-1)

(g) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of subparagraphs (1), (2), (4), and (5) of this paragraph unless the school is a public institution, in which case it may also be accredited by the State agency in that State, which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in paragraph (j), which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a); 1088(b)(3))

(h) "Limited English-speaking ability" means a command of the English language that is inadequate for success in education beyond high school.

(i) "Physically handicapped students" means those students who, because of their physical disabilities, need specifically designed instructional materials or programs, modified physical facilities, or related services to participate fully in the experience and opportunities offered by postsecondary institutions. Physical disabilities include but are not limited to:

(1) Legal blindness,
(2) Deafness,
(3) Cerebral palsy,
(4) Epilepsy,
(5) Mobility difficulties due to use of appliances or prosthetics,
(6) Quadriplegia, paraplegia, or hemiplegia.
(7) Severe heart condition, and
(8) Multiple disabilities or any combination of the above conditions.

(20 U.S.C. 1070d-1)

(j) "Proprietary institution of higher education" means a school (1) which provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) which is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) which is not a public or other nonprofit institution, and (6) which has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(k) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(20 U.S.C. 1070d-1070d-1, unless otherwise noted)

§ 157.3 Eligible project participants.

(a) A student is eligible to participate in a program or project authorized under this part if such student:

(1) Is enrolled or accepted for enrollment at an institution which is the beneficiary of a grant or contract made under this part;

(2) Is a citizen or national of the U.S., is in the U.S. for other than a temporary purpose and is or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(3) Is an individual with academic potential who demonstrates a need for the remedial and special services authorized under this part as a result of (i) a deprived educational, cultural or economic background or (ii) physical handicap or (iii) a limited English-speaking ability; and

(4) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner unless that student is physically handicapped or is of limited English-speaking ability and is in need of bilingual education, teaching, guidance and counseling in order to successfully pursue postsecondary education.

(b) Students of limited English-speaking ability or with physical handicaps may be served under this part without regard to their families' adjusted family income.

(20 U.S.C. 1070d-1)

§ 157.4 Eligible applicant.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education and combinations of such institutions.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for administering the project in one of the participating institutions or in an agency established by the institutions for carrying out the project on their behalf.

(20 U.S.C 1070d-1)

§ 157.5 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) The number of low-income students, physically handicapped students and students of limited English-speaking ability enrolled or accepted for enrollment at the institution who are eligible for program services and a description of the ethnic/racial background of the students to be served by the project;

(2) A description of the methods by which project participants will be selected and their needs assessed;

(3) A description of the comprehensive services that will be provided to meet the students' needs;

(4) A description of the academic and cultural problems these students have at the time of entry into the institution and continue to encounter while pursuing their education at the institution;

(5) The amount and type of student financial aid available at the applicant institution that can be awarded to participants;

(6) A description of the administrative and academic policies that bear on the ability of the project participants to graduate from the institution;

(7) A description of (i) the project's staffing pattern, including the professional requirements and duties of each staff member, and (ii) its plan for staff selection and in-service training;

(8) If the applicant has carried out a project that was not funded under this part but was comparable or identical to one authorized under this part, a description of that project, including the number of students served, the methods used to select students, the services offered, the number of such students who graduated from the institution, and any evaluation reports made on that project;

(9) A description of the manner in which the applicant will orient the institutional community to the goals and objectives of the Special Services Program and a description of the community resources available to the project and the manner in which those resources will be used;

(10) A description of the applicant's plan for evaluating the effectiveness of the project; and

(11) The proposed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for bilingual educational projects shall provide the information necessary to determine whether the proposed project satisfies the requirements of § 157.8.

(d) Applications for national demonstration projects shall detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the proposed project satisfies the requirements of § 157.9.

(20 U.S.C. 1070d-1)

§ 157.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promise of success in enabling students to complete their postsecondary education;

(4) All required reports, including data collection reports, quarterly fiscal reports, and semi-annual and annual narrative reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The number of students enrolled at the institution who are eligible, by reason of deprived economic, cultural, or academic backgrounds, or physical handicaps, or limited English-speaking ability, to participate in the project;

(2) The degree to which student financial assistance at the applicant institution will be used to meet the needs of students who will be participating in the project;

(3) The degree to which administrative and academic policies have as their purpose the maximization of a student's chances for graduating from the host institution;

(4) The comprehensiveness of the applicant's plan for (i) selecting students to be served by the project, (ii) conducting an assessment of supportive services needed by the students, and (iii) providing the services;

(5) The extent to which the applicant proposes to orient the institutional community to the goals and objectives of the Special Services Program and utilize institutional and community resources available to the project;

(6) The quality of the applicant's plan to evaluate the project in terms of the effects of project services on the progress made by students participating in the project and the extent to which project participants graduate from the institution;

(7) The reasonableness of the allocation of resources among the project activities;

(8) The extent to which the proposed budget reflects the activities to be undertaken; and

(9) The extent to which the applicant has successfully carried out a project that is comparable or identical to one authorized under this part.

(d) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Special Services national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or interregional in scope and does not duplicate or compete with existing regional or national programs or consolidate existing regional or interregional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical disabilities, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(3) Whether the applicant's proposed activities and expected results can be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for participants; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d-1)

§ 157.7 Program requirements.

(a) Each project funded under this part shall:

(1) Develop and utilize procedures to identify and select eligible students. Such procedures shall include a comprehensive needs assessment of the individual student to determine those academic and other educational deficiencies which need to be corrected to enable that student to graduate;

(2) Provide career and academic guidance and counseling and, within the professional and economic constraints of the project, personal counseling;

(3) Provide remedial and special classes, tutoring, and such other activities that will enable project participants to compete with sufficient academic skills at the institution, without creating a long-range dependency on the project;

(4) Develop and utilize special curricular and instructional methods which will enable students to complete required and prerequisite courses in a reasonable period of time; and

(5) Document the effects of project activities on students' performance and progress while they are participating in the project.

(b) Each institution receiving funds under this part shall:

(1) Obtain and provide adequate financial aid for students enrolled in the project to enable them to continue their academic program;

(2) Retain such students at the institution for a period of time sufficient to enable them to adjust to and participate meaningfully in the academic program at the institution (a minimum of two years for a 4-year program, one year for a 2-year program);

(3) Make all resources and facilities which are available to regular students of the institution available to project participants;

(4) Place the project within an integral department of the institution's academic structure;

(5) Locate the project in an area that is accessible to the students to be served;

(6) Engage (i) a full-time project director with sufficient administrative skills and a clear commitment to the goals of the program, who will be provided sufficient latitude to conduct the

project effectively and expend project funds, and (ii) a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services;

(7) Utilize institutional facilities and, when possible, staff, to provide pre-service and in-service training for the project staff; and

(8) Develop an administrative and faculty commitment to the goals of the Special Services Program.

(20 U.S.C. 1070d-1)

§ 157.8 Bilingual educational projects.

(a) Projects serving students of limited English-speaking ability shall provide special instruction in the use of the English language to such students, either through the project or the institution's regular program of instruction.

(b) Projects serving only students of limited English-speaking ability, or projects with a specific component to serve such students, shall provide bilingual personal, career, and academic counseling and guidance; bilingual remedial and special classes that enable students to complete required and prerequisite courses; bilingual tutorial services; and other bilingual supportive services necessary to meet the educational needs of the participants.

(c) Projects serving only students with limited English-speaking ability or projects with a specific component serving such students shall select each student for participation in the project on the basis of the degree of difficulty that the student has in speaking and understanding instructions in the English language, if the project cannot serve all such students who are enrolled or accepted for enrollment at the institution.

(20 U.S.C. 1070d-1)

§ 157.9 National demonstration projects.

(a) The Commissioner may reserve funds to conduct national demonstration projects which will involve innovative and experimental approaches to the provision of remedial and other special services to project participants.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical disabilities, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Provide services not readily available on a local or regional basis for participants; and

(5) Provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d-1)

§ 157.10 Allowable costs.

(a) The Commissioner will pay for those costs that are reasonably related to the operation of a project. Such costs may include the following:

(1) Remedial and special classes if such classes are limited to project participants and the grantee institution does not provide such services as part of its program of instruction;

(2) Courses in English language instruction for students of limited English-speaking ability if the institution does not provide such instruction as part of its program of instruction and such instruction is limited to project participants; and

(3) In-service training of project staff.

(b) Costs that may not be charged against the grant include the following:

(1) The costs involved in the recruitment of students for enrollment at the grantee institution;

(2) The construction or purchase of new buildings and the extensive modification or major repair of existing buildings;

(3) The purchase of major equipment;

(4) The payment of tuition, stipends, or any other form of student financial support;

(5) Research; and

(6) Activities of a recreational or cultural nature that are not directly related to gaining proficiency in a required academic subject.

(c) Grantees under this part will be allowed indirect cost as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d-1)

§ 157.11 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the grantee institution.

(b) The minimum rate of compensation that may be paid to project employees, including sutdents, shall be the minimum wage required to be paid by the institution under applicable Federal, State, or local law.

(20 U.S.C. 1070d-1)

§ 157.12 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Procedures used to select individual participants;

(2) High school transcripts and all available test scores;

(3) Documents supporting student's eligibility as defined in § 157.3;

(4) Diagnostic analysis of the student's academic strengths and weaknesses and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as family contacts, career explorations, referrals;

(6) Sequential activity reports that show continuous contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A summary at the end of each academic term of credit-hours attempted and earned, grade point average, credit hours earned toward graduation, and courses dropped and the reason for dropping them;

(8) Documentation of an exit interview which shall include, but not be limited to (i) the reason for student's leaving the project, (ii) a permanent mailing address, and (iii) the recommendations made to the student upon the student's completion of the project regarding his educational and career potentials.

(20 U.S.C. 1070d-1)

§ 157.13 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Transportation of students to and from educational activities sponsored by the project and approved in writing by the Commissioner;

(b) Project staff travel to professional and educational conferences specifically related to project development and to Office of Education sponsored meetings, when approved by the Commissioner;

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d-1)

§ 157.14 Functional relationship and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in 45 CFR 100a.275, when an applicant under this part also requests funds to carry out one or more of the following programs, Talent Search, Upward Bound, or Educational Opportunity Centers, the application must reflect the following:

(a) Provisions for a single unified administrative program operation;

(b) Provision for separate program identities, activities, and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d-1; 1232c(b)(1))

[FR Doc.75-33701 Filed 12-15-75;8:45 am]

[45 CFR Part 159]

TALENT SEARCH

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070d-1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter I of Title 45 of the Code of Federal Regulations by adding Part 159, which governs the administration of the Talent Search Program, to read as set forth below.

1. *Program purpose.* The Talent Search Program, authorized by section 417B of the Higher Education Act, is designed to identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, publicize existing forms of student financial aid, and encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Talent Search Program. Upon publication of the proposed regulations in final form, after comments and a hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Talent Search Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulations (45 CFR 100a).

4. *Citations of legal autohrity.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

Public hearing will be held on January 12, 1976.

b. Dallas, Texas

Room 1130-1132, 1200 Main Tower Building, Dallas, Texas 75202.

Public hearing will be held on January 12, 1976.

c. San Francisco, California

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2085, Fob 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the thirtieth day from the date these regulations are published in the FEDERAL REGISTER will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Number 13.488, Talent Search)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 159, to read as follows:

PART 159—TALENT SEARCH PROGRAMS

Sec.
159.1 Scope and purpose-general provisions regulations.
159.2 Definitions.
159.3 Project setting-target area.
159.4 Eligible project participants.
159.5 Eligible applicants.
159.6 Applications.
159.7 Funding criteria.
159.8 Project activities and services-project requirements.
159.9 National demonstration projects.
159.10 Allowable costs.
159.11 Salary and wage rates.
159.12 Youth records.
159.13 Travel.
159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 258-259 (20 U.S.C. 1070d-1070d-1), unless otherwise noted.

§ 159.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Talent Search Program. This program is designed to (1) identify youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, (2) publicize existing forms of student financial aid, and (3) encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs. The goal of the projects funded under this part shall be to increase the rate at which youths of financial or cultural need complete secondary school and enroll, with adequate financial aid, in postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d—1070d-1)

§ 159.2 Definitions.

For the purpose of this part: (a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(b) "Combination of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a Talent Search project or (2) a public or private agency, organization or

institution designated or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a Talent Search project on their behalf.

(20 U.S.C. 1141(j))

(c) "Cultural need" means with regard to a youth the lack of exposure to or insufficient knowledge of the values of society which are necessary for success in postsecondary education.

(20 U.S.C. 1070d-1)

(d) "Demonstrated aptitude" means with regard to secondary and postsecondary dropouts a documented competence in those skills necessary to enter, reenter or complete postsecondary education.

(20 U.S.C. 1070d-1)

(e) "Exceptional potential" means a capacity for success in postsecondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators;

(20 U.S.C. 1070d-1)

(f) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of subparagraphs (1), (2), (4), and (5) of this paragraph, unless the school is a public institution, in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education as defined in paragraph (g) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a); 20 U.S.C. 1088(b)(3))

(g) "Proprietary institution of higher education" means a school which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(h) "Secondary school" means a school which provides secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 1141(d))

(i) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(j) "Veteran" means a person who served in the active military, naval, or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))

(k) "Youth" means (i) a veteran or (ii) a person between the ages of 15 to 22.

(20 U.S.C. 1070d-1070d-1, unless otherwise noted)

§ 159.3 Project setting-target area.

Talent Search projects, except national demonstration projects, shall provide their services to qualified youths residing or attending school in a discrete geographic area. (target area) A target area is characterized by a large number of families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, a large number of youth from low-income families, a high secondary school dropout rate, and a low level of postsecondary attendance.

(20 U.S.C. 1070d-1)

§ 159.4 Eligible project participants.

A youth is eligible to receive services under this part if he: (a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose, and is, or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner;

(c) Has "exceptional potential" for success in postsecondary education or, in the case of secondary or postsecondary school dropouts, a "demonstrated aptitude" for reentry into secondary or postsecondary educational programs;

(d) Is of financial or cultural need; and

(e) Is in need of (i) guidance and counseling to complete secondary school, (ii) information and counseling on postsecondary educational opportunities, (iii) assistance in gaining admisson or readmission to postsecondary educational institutions, or (iv) assistance in applying for financial aid to attend such institutions.

(20 U.S.C. 1070d-1)

§ 159.5 Eligible applicants.

(a) The Commissioner may make grants to and contracts with the following agencies, institutions, and organizations to carry out Talent Search projects: (1) Institutions of higher education, including institutions with vocational and career education programs;

(2) Combinations of institutions of higher education;

(3) Public and private agencies and organizations (including professional and scholarly organizations); and

(4) In exceptional cases, secondary schools and secondary vocational schools, if there are no institutions of higher education or public or private agencies within a reasonable geographic distance of such secondary or vocational school providing educational services similar to the services authorized under this part.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established by the combination for that purpose.

(20 U.S.C. 1070d-1)

§ 159.6 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date established annually by the Commissioner, and shall provide the following information and such other information as the Commissioner may from time to time prescribe: (1) The geographic area to be served (target area);

(2) A documented description of the target area in terms of (i) the income

level of the area residents, the number and percentage of families in the area whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, (ii) the number and percentage of youths from low-income families residing or attending school in the area, (iii) the number and percentage of dropouts from secondary schools in the area for the three years preceding the year for which the application is submitted, and (iv) the number and percentage of youths who have attended school, or are residing, in the area and who have entered postsecondary institutions during the three years preceding the year for which the application is submitted;

(3) A description of the individual secondary schools in the target area including (i) for the three years preceding the year for which the application is being submitted, the dropout rate for each school, and the number and percentage of students from each school who subsequently enroll in postsecondary institutions, (ii) the number of students in the school from low-income families; and (iii) the quality of the school's counseling program;

(4) The ethnic/racial composition of youth from low-income families attending secondary school, or residing, in the target area;

(5) The number of youths of financial or cultural need who reside or attend school in the target area who have an exceptional potential or a demonstrated aptitude for postsecondary education and are in need of project services to complete secondary school and enroll in postsecondary institutions;

(6) A projection of the effect of the project in the target area on the secondary school dropout rate, the rate of postsecondary school admissions and the number of secondary and postsecondary dropouts who reenter educational programs;

(7) A description of the applicant's plan for (i) the identification and selection of eligible participants, (ii) the assessment and documentation of their potential for postsecondary education, (iii) the provision of career and academic counseling and guidance, (iv) the dissemination of information on student financial aid in the target area, and (v) the provision of assistance to project participants in gaining admission to secondary and postsecondary institutions, and in obtaining student financial aid;

(8) A description of the applicant's plan to orient the secondary and postsecondary schools in the target area to the goals of the Talent Search project and to utilize community and other resources to supplement authorized activities;

(9) A description of (i) the project's staffing pattern including the professional requirements and duties of each staff member, and (ii) the plan for staff selection and in-service training;

(10) If the applicant has carried out a project that was not funded under this part but was comparable or identical to one authorized under this part, a description of that project including the number of youth served, the methods used to select participants, the services offered, the rate of increase of postsecondary admissions in the area served, the rate of decrease in secondary and postsecondary school dropouts, the rate of increase of secondary and postsecondary school dropouts who reenter educational programs, and any evaluation reports made on that project; and

(11) A description of the applicant's plan for evaluating the effectiveness of the project.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for national demonstration projects shall detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satisfies the requirements of § 159.9.

(20 U.S.C. 1070d-1)

§ 159.7 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired.

(b) *Conditions for approval.* Requests for continuation awards will be approved only if:

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promis of success in enabling youths to resume, or continue their secondary education, or to enter, resume, or continue their post secondary education with adequate financial aid;

(4) All required reports, including data collection reports, quarterly fiscal reports, and annual and semi-annual narrative reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a. 26(b), as well as the following additional criteria:

(1) The extent to which the target area of the project is characterized by (i) a high number or percentage of secondary school dropouts, (ii) a low level of postsecondary school attendance, (iii) a high percentage of families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, and (iv) students from low-income families having low aspiration levels and special needs.

(2) The number of youths of financial or cultural need who reside or attend schools in the target area, have exceptional potential for succes in postsecondary education, and are in need of project services to complete secondary school and enroll in postsecondary educational programs, obtain student financial aid to pursue postsecondary education, or return to secondary or postsecondary educational programs;

(3) The extent to which the applicant has successfully carried out a project that is comparable or identical to those authorized under this part;

(4) The extent to which the project will, in the target area, increase the rate of postsecondary admissions, decrease the rate of secondary school and postsecondary school dropouts, and increase the number of secondary and postsecondary dropouts who reenter educational programs;

(5) The comprehensiveness of the applicant's plan for (i) identifying and selecting eligible participants and assessing and documenting their potential for postsecondary education, (ii) providing career and academic guidance and counseling, (iii) disseminating information on student financial aid to the target population, and (iv) assisting youths in gaining admission to secondary and postsecondary institutions and in obtaining student financial aid;

(6) The reasonableness of the allocation of resources among the proposed project activities;

(7) The extent to which the applicant has provided for the orientation of secondary and postsecondary schools in the target area to the goals and objectives of the Talent Search Program and has provided for the utilization of community and other resources to supplement authorized activities;

(8) The quality of the applicant's plan to evaluate the effects of project services in enrolling participants in postsecondary educational programs with adequate financial aid and returning participants to secondary and post secondary educational programs; and

(9) The extent to which the proposed budget reflects the activities to be undertaken.

(d) *National demonstration projects.* The Commissioner will select a limited number of applications to be funded as Talent Search national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope, and does not duplicate nor compete with existing regional or national programs nor consolidate existing regional or interregional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of Talent Search services for eligible participants;

(3) Whether the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1)

§ 159.8 Project activities and services-project requirements.

(a) Each project funded under this part shall provide the following services:

(1) Collection and dissemination of information regarding the variety of postsecondary educational opportunities, student financial aid, academic assistance and career options available to project participants;

(2) Counseling and guidance to each project participant with regard to the appropriate postsecondary institution for that person;

(3) Counseling with regard to career options available to project participants; and

(4) Assistance to project participants in applying for admission to postsecondary institutions and for student financial aid.

(b) Each project shall: (1) Serve a minimum of 1,000 youths;

(2) Develop and utilize a comprehensive needs assessment process, which includes traditional and nontraditional measuring techniques, to determine each participant's interests, career goals, academic potential, and financial need;

(3) Focus project activities at secondary schools that have had over the three years preceding the year for which the project application is submitted (i) less than 30 percent of their graduating classes enroll in postsecondary institutions, or a high dropout rate and (ii) an inadequate counseling program with regard to postsecondary educational opportunities;

(4) Develop and implement a strategy to identify, encourage, and return to educational institutions those secondary and postsecondary school dropouts who have a demonstrated aptitude for postsecondary education;

(5) Not duplicate services offered by an Educational Opportunity Center, another Talent Search project or other similar programs in the target area;

(6) Establish cooperative relationships with service agencies in the target area which have resources needed by the project participants;

(7) Establish a direct relationship with educational institutions to determine admission requirements, filing and deadline dates for the submission of admission and financial aid applications, course requirements, and appropriate supportive services available for project participants; and

(8) Engage (i) a full-time project director with sufficient administrative skills and a clear commitment to the goals of the program, who will be provided sufficient latitude to conduct the project effectively and to expend project funds as required, and (ii) a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services.

(20 U.S.C. 1070d-1)

§ 159.9 National demonstration projects.

(a) The Commissioner may reserve funds to conduct innovative and experimental Talent Search projects.

(b) National demonstration projects shall: (1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs or consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of Talent Search services for eligible participants;

(3) Be readily replicable and utilized by other educational programs concerned with the provision of services for similar youth;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1)

§ 159.10 Allowable costs.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project.

(b) Costs that may not be charged against the project include: (1) Tutoring or any instructional costs;

(2) Tuition, fees, stipends or other forms of direct financial support for youths participating in project activities;

(3) Application fees for enrollment or financial aid;

(4) Duplication of services that are otherwise provided by the institution or agency sponsoring the project or by such local agencies as vocational rehabilitation centers and social service organization;

(5) Construction, major remodeling or major repair; and

(6) Meals and lodging.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d-1)

§ 159.11 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution or agency.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local law.

(20 U.S.C. 1070d-1)

§ 159.12 Youth records.

Projects shall develop and utilize a data collection system which allows the project to establish accurate participant records, including, but not limited to, the following: (a) The method used to select the participant;

(b) The participant's high school transcripts and all available aptitude and achievement test scores;

(c) Information concerning the participant's eligibility to receive services under the project;

(d) Documentation of counseling services received by the student;

(e) Documentation of visits made to postsecondary institutions;

(f) Documentation of assistance provided the participant in applying for admission to postsecondary institutions and for student financial aid;

(g) The postsecondary institutions which accepted the participant for admisison and the one in which he or she enrolled;

(h) The amount and type of student financial aid received by the participant; and

(i) The participant's age, sex, race, family income, grade level and permanent address.

(20 U.S.C. 1070d-1)

§ 159.13 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized: (a) Travel to enable youths (i) to visit campuses of postsecondary institutions which are in reasonable proximity to the project's target area, (ii) to participate in "College Days" or their equivalent or (iii) to develop career potential;

(b) Staff travel to professional and educational conferences specifically related to project development and

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d-1)

§ 159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in CFR 100a.275, when an applicant under this part also requests funds to carry out one or more of the following programs, Upward Bound, Special Services for Disadvantaged Students or Educational Opportunity Centers, the application must reflect the following:

(a) Provision for a single, unified administrative program operation;

(b) Provision for separate program identities, activities, and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identity; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d-1; 1232c(b)(1))

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